

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Ex parte MARTIN FRANZ & PEDER ANDREAS OLSEN

MAY 03 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/782,434

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on April 5, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

On page 1 of appellants' brief, appellants state that ". . . the Claims Appendix lists claims 3, 4, 7 correctly depending from claim 1, instead of claim 2." On page 3 of examiner's answer, the examiner states that "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, the amendment after final filed August 12, 2004, was not entered by the examiner. Therefore the claims currently present in the application are the claims listed in the amendment filed April 12, 2004.

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Appropriate correction is required.

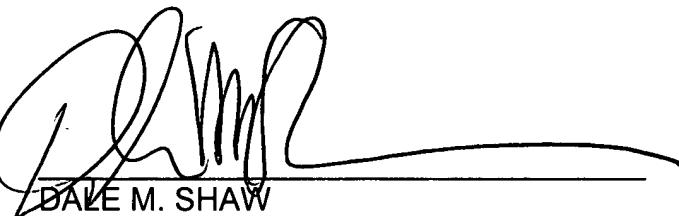
Accordingly, it is

ORDERED that the application is being returned to the Examiner to

- 1) notify appellants that the Appeal Brief filed January 5, 2005 is defective;
- 2) have appellants file a corrected Appeal Brief; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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